



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: STEVEN C. DAKE; PAUL E. LUSE

§ Group Art Unit: 2123

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Serial No.: 09/469,277

§ Examiner: Dwin M. Craig

Filed: December 22, 1999

§ Atty. Dkt. No.: INTL-0278-US (P7627)

For: METHOD FOR MODELING
HARDWARE USING SOFTWARE

Mail Stop Appeal Brief-Patents
Commissioner for Patents
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REPLY BRIEF

Technology Center 2100

Sir:

Appellants respectfully file this Reply Brief in response to the supplemental Examiner's Answer mailed on February 10, 2004.

I. REPLY

Appellants respectfully submit that the Examiner's current status of the claims set forth in Section 10 of the supplemental Examiner's Answer is incorrect.

Specifically, with respect to the 35 U.S.C. §112, ¶1 rejections, the Examiner does not include claims 16 and 17, argued as patentable in Appellant's Appeal Brief filed April 24, 2003 (See Appeal Brief, VIII.J and VIII.K).

With respect to prior art rejections, Appellants respectfully submit that the Examiner's status of the claims is incorrect, as the current status does not include claims 28 and 30, which

Date of Deposit: April 6, 2004

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Jennifer Juarez

were argued as patentable in the Appeal Brief (*See* Appeal Brief filed April 24, 2003, VIII.E and VIII.G).

Furthermore, in the Examiner's Response to Arguments (Section 11 of Examiner's Answer), Examiner argues in Section D as to a non-existent 35 U.S.C. §103(a) rejection. Specifically, the Examiner argues with respect to claims 6-10 over Brumley in view of Morris. However, claims 6-10 do not stand rejected over this combination (see Final Office Action, dated December 2, 2002), nor does Appellants' Appeal Brief include any argument with respect thereto.

Because Examiner's Answer does not include a *prima facie* case of non-enablement as to claims 16 and 17, such claims are patentable as a matter of law. Furthermore, as Examiner's Answer does not include a *prima facie* case of unpatentability of claims 28 and 30, those claims are patentable as a matter of law.

II. CONCLUSION

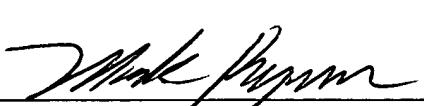
For the reasons set forth herein, as well as set forth in the Appeal Brief and original Reply Brief, Appellants respectfully request that each of the final rejections be reversed and that the claims subject to this Appeal be allowed to issue.

Respectfully submitted,

Date: April 6, 2004



21906
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First Named Inventor

Steven C. Dake

Group Art Unit

2123

Examiner Name

Dwin M. Craig

Attorney Docket Number

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ENCLOSURES (check all that apply)

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